

BULLYING: KNOW YOUR RIGHTS



Virginia law defines bullying as “any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.” This includes cyber bullying, but does not include “ordinary teasing, horseplay, argument, or peer conflict.”

HERE ARE SOME OF THE THINGS YOU CAN DO IF YOUR CHILD IS BEING BULLIED IN SCHOOL:

Review the school division’s Code of Conduct and File a Report.

- **Each school’s code of student conduct must be published online and prohibit bullying.** Each school division must have a procedure for families to report bullying (even anonymously), and in response the school must promptly investigate and intervene when bullying behavior occurs.
- **Virginia law requires the principal to notify parents of the status of any bullying investigation involving their child within five school days of the incident.**

Request a meeting with school staff.

- **Ask what the school is doing to prevent bullying and hold them accountable for building a safe school environment and for creating a community-wide bullying prevention strategy.** This is the most effective way to address bullying in schools. The Department of Education has numerous specific strategies and guidance for schools on their website.
- **Propose specific interventions to keep your child safe.** Legal Aid Justice Center does not recommend punitive responses to bullying such as suspension and police involvement because they are likely to further distance the bully from the school community and they do not repair the harm done to the victim. Instead, the following may be more effective:
 - Work with the school to create a safety plan for your child (including adult supervision, altered schedules, switching classes, special transportation)
 - Provide targeted interventions and responses such as:
 - Clear training and direction on rules and consequences
 - Mediation
 - Counseling
 - Peer-to-peer intervention
 - Including the bully in creating a Restorative Justice solution such as:
 - The bully must create a presentation on positive school climate
 - The bully must become the student’s protector



Hold the school system accountable by filing a Discrimination Complaint

- In some instances, bullying amounts to discriminatory harassment based on “race, national origin, color, sex (including sexual orientation and gender identity), age, disability, or religion,” and is prohibited by Federal Law. Schools are required to act when this occurs, and their failure to respond appropriately can amount to discrimination. Families can file a discrimination complaint with the U.S. Department of Education’s Office for Civil Rights.

Meet with the IEP Team (if your child has one)

- In serious circumstances, bullying and harassment can deny students a free and appropriate public education (FAPE), which schools are required to provide to students with disabilities. The U.S. Department of Education recommends that schools should convene an IEP or Section 504 Plan team meeting to determine whether the bullying resulted in the IEP no longer benefitting the harassed student. Some examples of when schools should convene an IEP team include when a student has:
 - A sudden decline in grades;
 - Emotional outbursts;
 - More frequent or intense behavioral issues; and
 - An increase in missed classes or services.

As a parent, you are a member of the IEP team and can request a meeting at any time.

Outside of these areas, you can always contact a personal injury lawyer for claims such as Intentional Infliction of Emotional Distress. If the bullying involves a crime—such as assault and battery—you always have the option to contact local law enforcement, though LAJC strongly advocates for less punitive responses.

For additional information and resources, please visit:

www.justice4all.org/bullyingrights

or scan this QR code



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